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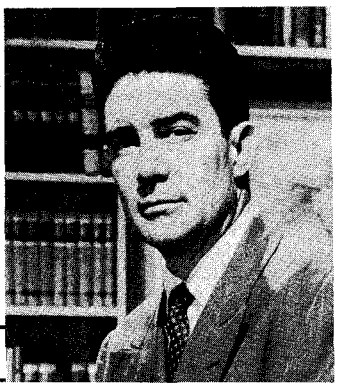

DAN SMOOT

VOTING RIGHTS BILL

The Civil Rights Act of 1957 established extraordinary, unconstitutional procedures to prevent denial of the right to vote because of race; but racial agitators were not satisfied. They demanded, and got, the Civil Rights Act of 1960, which provided even more unconstitutional procedures for protection of negro voting rights. The agitators demanded still more.

The *direct* chain of events which led to the Civil Rights Act of 1964 began on April 3, 1963, when negroes in Birmingham started a series of orderly protests against segregation practices in the city. Martin Luther King soon arrived, and the demonstrations became massive and unruly.[1]

The first large-scale arrests of demonstrators (for violating Birmingham city ordinances) were made on April 6, 1963.[1] On April 12, Martin Luther King was arrested for violation of state court orders.[2] King remained in jail eight days before posting bond, though he could have been released on bond without going to jail.

After King appeared on the scene, approximately 360 Birmingham policemen and Alabama state troopers were required to maintain order and protect the lives and property of Birmingham citizens. Police, using dogs on leashes and other conventional law-enforcement techniques, did yeoman service, not only in protecting the community, but also in protecting the demonstrators from outraged local citizens.

The leftwing press and broadcast networks magnified and distorted the Birmingham picture until it looked like a horrid monstrosity. The entire world was drenched with false "news" about brutal treatment of innocent negroes trying to make peaceful protest against violation of their human rights. Throughout the nation, people were inflamed by ugly untruths about Birmingham. The highest officials of government added fuel to the flames.

On April 15, 1963, President John F. Kennedy—vacationing in Florida—summoned the press to let the world know he had called Mrs. Martin Luther King to commiserate with her about the imprisonment of her husband. U. S. Attorney General Robert F. Kennedy also made a widely

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publicized telephone call to Mrs. King. Mrs. King said that the Kennedys had promised to do everything possible to help her husband; that they had sent FBI agents to the jail to make sure Dr. King was all right; that only through personal intervention of President Kennedy was she able to telephone her husband at the jail.[3]

On April 23, 1963, William L. Moore (a vacationing Baltimore Post Office mail carrier, member of the American Civil Liberties Union who had been a patient in a mental institution for 25 months) was shot to death on a highway in Alabama, while walking alone on a "personal integration march."[4]

On April 25, U. S. Attorney General Robert F. Kennedy called on Alabama Governor George C. Wallace in Montgomery to discuss integration in Alabama schools. *The New York Times* reported that Kennedy was "shaken" by the experience and quoted Kennedy as saying the South "is like a foreign country."[5]

On April 26, Martin Luther King and ten others were sentenced to five days in jail and fined $50.00 each for defying court injunctions against racial demonstrations.[6]

On May 2, 1963, large groups of negroes (mostly children) staged protest marches. Seven hundred persons were arrested. One adult negro leader said the demonstrations would continue "until we run out of children."[6]

On May 3, police had to use fire hoses to control unruly demonstrating mobs.[6]

On May 4, the Justice Department sent Assistant Attorney General Burke Marshall (civil rights chief) to Birmingham to encourage biracial discussions between negro leaders and white businessmen.[6] About the same time, 19 rabbis from northern states arrived to join negro demonstrations.[7]

On May 8, the biracial negotiators announced an agreement for partial desegregation; but no peace followed, because Martin Luther King was again arrested for leading marches in defiance of court orders.[1]

On May 9, demonstrators in Birmingham asked the United Nations to intervene. Senator Jacob K. Javits (New York Republican) demanded that President Kennedy use all available resources to fight for civil rights in Birmingham.[8]

On May 10, the biracial group announced another desegregation agreement. The Birmingham city government refused to recognize the agreement.[9]

On May 11, the Birmingham Police Commissioner (Eugene Connor) urged white citizens to boycott merchants who had agreed to desegregate. That night, several buildings (both negro and white) were bombed. Negroes rioted. Several whites were dragged from their cars and beaten. A policeman was knifed.[9]

On May 12, 1963, President Kennedy said he had prepared an Executive Order to federalize the Alabama National Guard, and that federal military units specializing in riot control had been alerted for service in Birmingham.

On May 13, the President warned Governor Wallace that federal troops would be sent to suppress domestic violence in Birmingham, if necessary. Governor Wallace replied that President Kennedy already had federal troops in Birmingham to enforce, not a law, but a "worthless agreement made by a so-called biracial committee." Kennedy administration spokesmen admitted that federal military command post personnel were in Birmingham, but said they amounted to only a "handful of men."[9]

On May 18, Governor Wallace said Alabama was asking the U. S. Supreme Court to prohibit the use of federal troops. The court refused to hear the suit.[10]

On May 20, the Birmingham Board of Education expelled 1081 negro students who, in defiance of administrative regulations, had left school to participate in public demonstrations and had been arrested.[10]

On May 22, Clarence W. Allgood, federal district judge, refused to interfere with the school board's order; but, on the same day, Elbert R.

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Tuttle, chief judge of the Fifth U. S. Circuit Court of Appeals, ordered the school board to readmit the expelled negro students.[10]

On June 19, President Kennedy submitted a special message to Congress, proposing the Civil Rights Act of 1963. On June 21, U. S. Representative Adam Clayton Powell (Harlem Democrat) publicly boasted that he wrote major portions of President Kennedy's message.[11]

In September, 1963, Governor Wallace tried to stop federally-enforced desegregation of public schools in Birmingham, Tuskegee, Mobile, and Huntsville. On September 10, President Kennedy federalized the Alabama National Guard, forcing the Governor to stand aside and permit integration which violated Alabama's Constitution and laws.[10]

Violence soon followed. On September 15, 1963, four negro girls were killed when a Birmingham negro church was bombed. Later that same day, police—trying to control a mob of demonstrators who were throwing rocks and engaging in other acts of violence—shot and killed a negro boy.[10]

By autumn, 1963, the public was thoroughly outraged by continued racial violence. Opposition to new frontier programs had hardened until President Kennedy's legislative proposals were hopelessly bogged down in Congress. His proposed Civil Rights Act of 1963 never got out of committee.

Five days after Kennedy was assassinated, President Johnson, on November 27, 1963, urged Congress to pass the Civil Rights Act as a tribute to the late President.

In 1964, Congress (by stands of 73 to 27 in the Senate, 294 to 131 in the House) passed the Civil Rights Act of 1964. President Johnson signed it on July 2.

The Civil Rights Act of 1964 (nearly identical with the Kennedy proposals of 1963) outlawed oral literacy tests for voter qualification; outlawed written literacy tests for anyone with a sixth grade or higher education; and provided several unconstitutional measures for expediting and giving preferential treatment to voting-rights litigation.

Back To The Streets

Martin Luther King perpetually agitates for more civil rights laws, but considers himself above all law. He has publicly stated that he and his followers will obey laws and court orders he considers good, but will disobey those he considers bad.[12] King's "non-violent" agitation triggered violence which brought death to five children and one adult in Alabama during 1963. His alleged objective was passage of the Civil Rights Act of 1964 to take the civil rights struggle "out of the streets and into the courts." After the law was passed, King took the fight back into the streets.[13]

On January 2, 1965, King announced that his Southern Christian Leadership Conference (SCLC) would join the Student Nonviolent Coordinating Committee (SNCC) in conducting voter-registration demonstrations in Selma, Alabama.[14] The Louisiana Joint Legislative Committee has reported that King's SCLC is "substantially under control of the communist party," and that SNCC is "substantially under the influence of the communist party."[15]

On January 15, 1965, the U. S. Department of Justice filed suit (under the Civil Rights Act of 1964) against Alabama, claiming the State's literacy test for voters discriminates against negroes.[13] King would not wait for the law to operate. About the time the suit was filed in Washington, King had letters printed and prepared for mailing, pleading for help and sympathy, showing his address as the county jail in Selma. The letters were dated February 1 — the day King insisted on being arrested in Selma for defiant violation of local law.[16,17]

King chose to stay in jail five days. While he was in jail, a federal court handed down an order to accomplish an objective which King had been proclaiming as *the* objective of his demonstrations

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in Selma. Federal Judge Daniel H. Thomas, on February 4, 1965, ordered registrars to increase voter registration in Selma by July 1, warning that if registration was not satisfactorily increased, the court (under the Civil Rights Act of 1964) would appoint federal voting referees.[13] The next day (February 5), King was released from jail, and made it quite clear he would not await results of the court order.

King said his demonstrations would continue unless the Selma board of registration stayed open every day until all negroes who wished to vote were registered. He did not say that all negroes meeting legal requirements must be registered. He demanded registration of all who *wanted* to be registered. King said he will not stop until there are enough negro voters to "purge Alabama of all Congressmen who have stood in the way of negroes."[18]

John Lewis, chairman of SNCC, made the following remarks during a speech at Selma, in February, 1965:

"It matters not whether it is in Angola, Mozambique, Southwest Africa, or Mississippi, Alabama, Georgia, Harlem, United States of America. The struggle is one and the same. Call it what you may . . . . It is a struggle against a vicious and evil system that is controlled and kept in order for many by a few white men throughout the world. We are struggling against the same powers . . . .

"I think we all recognize the fact that if any radical, social, economic, and political changes are to take place in our society, the masses must be organized to bring them about . . . .

"SNCC is one of many forces at work in our society for certain basic changes . . . . SNCC is the shot in the arm of a sick society. We are the birth pains of the body politic . . . .

"Our job is to help educate, help prepare people for political action. Our job is to organize the unorganized into a vital force for radical, social, economic and political change . . . ."[19]

When released from jail in Selma on February 5, 1965, Martin Luther King announced that he would ask President Johnson for more voting rights legislation. He did not say he would *try* to see the President. He baldly stated that he would see the President of the United States. Four days later (February 9) King met with President Johnson, Vice President Hubert H. Humphrey, and U. S. Attorney General Nicholas deB. Katzenbach. King told them what he wanted in the way of a voting rights bill. President Johnson assured King that the bill would soon be ready.[20]

On February 18, 1965, a state trooper (on duty at a demonstration in Marion, Alabama) shot a 26-year-old negro man who died eight days later. The trooper claimed he acted in self-defense, after the negro had threatened him.[19] Martin Luther King, with ample press assistance, made a martyr of the dead man.

On March 7, 1965, civil rights agitators attempted to lead demonstrators from Selma to Montgomery, in defiance of Governor Wallace's orders. The Governor had forbidden such unlawful preemption of one of the State's major highways, by mobs which might initiate or incite violence and other lawless disorder. State troopers and police turned the marchers back at the outskirts of Selma, using force necessary to control such a mob. Liberal news media portrayed the incident as a disgraceful orgy of police brutality against innocent people. [19]

On March 9, 1965, Federal Judge Frank Johnson issued a restraining order, prohibiting demonstrators from making the Selma-to-Montgomery march until judicial findings could be made. Martin Luther King defied the court order and started the march. He and his crowd turned back without violence when met by law enforcement officers. Questioned about his defiance of the federal court order, King said:

"Possibly I can be held in contempt, and others too. The judge's order was an unjust injunction . . . . As a matter of conscience, the march will continue."[19]

King was not charged or arrested for violating the federal court order.

On March 9, 1965, the Reverend James J. Reeb of Boston, Massachusetts (who had gone to Selma to participate in demonstrations), was

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beaten by whites as he left a beer tavern in Selma.[21] He died two days later in a Birmingham hospital.

On March 15, 1965, a mob (composed largely of out-of-state agitators) staged a turbulent demonstration in Montgomery. The crowd seemed to have no purpose or leadership, though some shouted that they were demonstrating against racial prejudice. In one street they blocked an emergency ambulance. Police were unable to disperse the mob, or even to clear a path for the ambulance. The Sheriff of Montgomery County brought in mounted deputies, who were assaulted by demonstrators using bricks, rocks, knives, and other objects. The Sheriff and several deputies were injured and eight horses slashed before the mob was scattered and the emergency ambulance released to continue its mission.[19]

That night — March 15, 1965 — President Johnson called Congress into extraordinary joint session and demanded the voting rights bill he had promised Martin Luther King. The President had selected an early evening hour which is prime television time; and his speech was carried by all networks. *We shall overcome* — the slogan of racial agitators — was a refrain in the President's speech.

To Congress, the President said:

"We have all sworn an oath before God to support and to defend . . . [the] Constitution. We must now act in obedience to that oath."

The President then demanded legislation which U. S. Senator Harry F. Byrd (Virginia Democrat) has correctly characterized as "a vicious bill," "subversive of the Constitution of the United States and the whole system under which we are governed"; a bill which "clearly bears the stamp of hysteria"; a bill whose provisions "are iniquitous in effect and contemptible in design."[22]

The Pending Bill

On March 17, 1965, President Johnson formally submitted his Voting Rights Act of 1965. It was introduced in the House by Representative Emanuel Celler (New York City Democrat) as HR 6400. On March 18, it was introduced in the Senate as S 1564, by Senate Majority Leader Mike Mansfield (Montana Democrat), Senate Minority Leader Everett McKinley Dirksen (Illinois Republican), and 62 other Senators.[23]

Henry J. Taylor, in a syndicated column, said:

"It's astounding, but true, that the communist party U.S.A. actually planned the Johnson Administration's Voting Rights Act of 1965."[24]

To prove his assertion, Taylor quoted the following from a pamphlet outlining the communist party's "Lincoln Project," launched in December, 1956:

"To implement the Lincoln Project, the Communist Party's Central Committee will begin to dispatch agents to 11 Southern states next month [January, 1957] to work with local party leaders in surveying 20 counties, any one of which might be ideally suited as a target for disorder early in 1965.

"This survey will continue through 1957, the Central Committee making the choice of 20 counties . . . with the final selection to be made on the estimated most favorable conditions prevailing in 1965.

"The legislation which the party will seek from Congress in 1965 has already been prepared by its legal staff. It provides for elimination of all educational requirements, including minimum literacy tests, as qualifications for voting in Federal, state and local elections; voids residence with respect to counties, municipalities and other political subdivisions within a state, and establishes a system of direct Federal supervision and control of the local, county, state and Federal elective process."[24]

The voting rights bill would apply *only to six southern states* which have literacy tests to determine voter qualifications (Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia), although 15 other states also require literacy tests. It would enable the federal government to confer voting rights on any illiterate (or moron) in the southern states singled out for punishment, though the same person could not qualify to vote in

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northern and western states with literacy requirements.

The bill is a discriminatory, ex post facto law which would punish, in the future, officials of six southern states for something which the U. S. Attorney General may allege that officials in those states did in the past.

Article I, Section 9, of the Constitution prohibits Congress from enacting ex post facto laws. Article I, Section 2, of the Constitution leaves with *states* the authority to prescribe voter qualifications provided only that qualifications to vote for U. S. Representatives be the same as qualifications to vote for representatives in "the most numerous Branch of the State Legislature." The Fifteenth Amendment prohibits federal and state governments from denying or abridging the right to vote on account of race. The Nineteenth Amendment prohibits federal and state governments from denying or abridging the right to vote on account of sex. The Twenty-fourth Amendment (ratified January 23, 1964) prohibits poll-tax qualifications for voters participating in federal elections. *No provision of the Constitution or of the twenty-four amendments gives the federal government authority to determine voter qualifications.*

Constitutionally, state governments may impose voter-qualification requirements concerning education, age, residence, property ownership, occupation, criminal behavior and associations, subversive activities and associations, and so on. The federal government has no constitutional authority to do anything about state-established voter qualifications, unless the states require poll taxes in federal elections or deny the vote on account of sex or race. If states deny the vote for prohibited reasons, the federal government has no constitutional authority to intervene positively and establish federal voting qualifications. Constitutionally, the federal government can only intervene negatively to keep states from doing what the Constitution forbids.

Supporters of the pending voting rights legislation claim that the six southern states affected (especially Alabama) have violated the Fifteenth Amendment by denying negroes the right to vote, merely because they are negroes.

Doubtless, some qualified negroes have been denied the vote because of race. There are abuses of law and miscarriages of justice, of various kinds and extent, in all states — in all places where human beings exist. The critical question is whether there is an Alabama state policy or pattern of denying negroes the right to vote because of race.

All present registration boards in Alabama were appointed in, or since, October, 1963. Prior to that time, the U. S. Department of Justice, after thorough investigation, claimed to have found some evidence of racial discrimination by registration boards in 11 of Alabama's 67 counties. *The Justice Department has not made formal charges of racial discrimination against any present registration board in Alabama.* Yet it is *present* registration boards that agitators have been agitating about and that the pending law intends to punish.[25]

The Department of Justice alleges that only 20% of qualified Alabama negroes are registered to vote. This is not true.[25]

In Alabama, there are about 200,000 negroes of voting age with sixth grade or higher education. It is estimated that 10% of these (20,000) are not qualified to vote because of criminal records. Other factors reduce possible registration to 140,000; and there are 115,000 negroes registered to vote: 82% of the absolute potential, instead of the 20% alleged.[25]

These statistics reveal that 25,000 of Alabama's eligible voting-age negroes, with sixth grade or higher education, are not registered to vote. Were these 25,000 excluded by unreasonable, or unfairly administered, literacy tests? Practically all Alabama negroes with less than 8*th grade education* are, when drafted, rejected for military service because they fail mental tests administered by the armed forces. Yet a very high percentage of negroes have passed the literacy tests administered by voter registration boards.[25]

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The March From Selma To Montgomery

On March 17, 1965, Federal Judge Frank M. Johnson issued an order authorizing the Selma-to-Montgomery demonstration. It began on March 21, ended on March 25, under protection of U. S. armed forces all the way.

Many of the marchers were human scum: beatniks, prostitutes, degenerates, drunks, bums, and communists — some of whom were paid to join the march.[26]

U. S. Representative William L. Dickinson (Alabama Republican) has made a careful investigation of the Selma-to-Montgomery demonstration. Here is a sample of his findings:

"Drunkenness and sex orgies were the order of the day in Selma, on the road to Montgomery, and in Montgomery. There were many — not just a few — instances of sexual intercourse in public . . . .

"The Communist Party . . . is the undergirding structure for all of the racial troubles in Alabama for the past 3 months. Look at the speakers on the platform in front of the capitol of Montgomery or participating prominently in the march and demonstration . . . . Carl Braden . . . . Abner Berry . . . . James Peck . . . . Bayard Rustin . . . .

"And what about the king himself — King Martin Luther? . . . Martin Luther King himself has amassed the staggering total of more than 60 communist-front affiliations since 1955."[26]

On March 25, 1965, the Selma-to-Montgomery demonstration ended; and, on that day, Mrs. Viola Liuzzo (returning by car to Selma, accompanied by a 19-year-old negro barber) was shot and killed on the highway. Mrs. Liuzzo had left her husband and five children in Detroit and had gone to Alabama to participate in the demonstration.

On April 3, 1965, Martin Luther King, in a *Saturday Review* article, explained the importance of violence in building up pressure for what he wants:

"The goal of the demonstrations in Selma, as elsewhere, is to dramatize the existence of injustice and to bring about the presence of justice by methods of nonviolence. Long years of experience indicate to us that Negroes can achieve this goal when four things occur:

"1. Nonviolent demonstrators go into the streets to exercise their constitutional rights.

"2. Racists resist by unleashing violence against them.

"3. Americans of conscience in the name of decency demand federal intervention and legislation.

"4. The Administration, under mass pressure, initiates measures of immediate intervention and remedial legislation."[27]

* * * * *

"'Tis too much proved—that with devotion's visage and pious action we do sugar o'er the devil himself."—Hamlet—Act III sc. 1

FOOTNOTES

(1) Special to the Times from Birmingham, *The New York Times*, April 7, 1963, p. 55

(2) UPI story from Birmingham, *The Dallas Morning News*, April 13, 1963, Sec. 1, p. 6

(3) AP dispatch from Palm Beach, Fla., *The Dallas Morning News*, April 16, 1963, Sec. 1, p. 1; AP dispatch from Atlanta, Ga., *The Dallas Times Herald*, April 16, 1963, p. 3A

(4) AP story from Attalla, Ala., *The Dallas Times Herald*, April 24, 1963, pp. 1A, 29A

(5) *The New York Times*, April 26, 1963, p. 1

(6) *Congressional Quarterly Weekly Report*, May 10, 1963, pp. 713-4

(7) "The Reporter's Notes From Birmingham," by George Bailey, *The Reporter*, May 23, 1963, pp. 12, 14

(8) Special to the Times from Birmingham, *The New York Times*, May 10, 1963, pp. 1, 14

(9) *Congressional Quarterly Weekly Report*, May 17, 1963, pp. 759-60

(10) *Congressional Quarterly Almanac for* 1963, pp. 337-8, 359

(11) UPI dispatch from Long Beach, Calif., *The Dallas Times Herald*, June 23, 1963, p. 17A

(12) See the text of NBC-TV's "Meet the Press" program with Martin Luther King, March 28, 1965

(13) *Congressional Quarterly Weekly Report*, March 19, 1965, pp. 428, 434

(14) *Congressional Quarterly Weekly Report*, February 5, 1965, p. 183

(15) For details on the interlock and associations of SCLC, SNCC, other civil rights organizations and leaders, see this *Report*, "Communism in the Civil Right Movement," June 1, 1964.

(16) "Selma, Ala.," speech by U. S. Representative James D. Martin (Rep., Ala.), *Congressional Record*, February 10, 1965, pp. 2456-60 (daily)

(17) "A Master Plan Guides Negroes In Alabama, Sets Next Moves," *The National Observer*, March 8, 1965

(18) *Congressional Quarterly Weekly Report*, February 19, 1965, p. 271

(19) "The Selma, Ala., Situation," speeches with articles by U. S. Representatives George W. Andrews (Dem., Ala.), William M. Tuck (Dem., Va.), Armistead I. Selden, Jr. (Dem., Ala.), James D. Martin (Rep., Ala.), John Bell Williams (Dem., Miss.), William L. Dickinson (Rep., Ala.), Robert E. Jones

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(Dem., Ala.), John H. Buchanan, Jr. (Rep., Ala.), Glenn Andrews (Rep., Ala.), Joe D. Waggonner, Jr. (Dem., La.), *Congressional Record*, March 17, pp. 5149-62 (daily)

(20) "For Negro Rights," *The New York Times*, February 14, 1965, Sec. 4, p. 2

(21) "*Selma*: The Whole Truth?" *The Sunday Brand*, Hereford, Texas, April 11, 1965, pp. 1, 2

(22) "The Other Side of the Voting-Rights Bill," by U. S. Senator Harry Flood Byrd (Dem., Va.), *U. S. News & World Report*, April 12, 1965, pp. 86-8

(23) Here, from *Congressional Quarterly Weekly Report*, April 16, 1965, is a summary of major provisions in S 1564, as reported by the Senate Judiciary Committee (the House bill being only slightly different):

A. Provided for the appointment by the Civil Service Commission of "examiners," federal officials who would determine a voter's qualifications and acquire enrollment of new voters, whenever: (1) A federal court, hearing a suit by the Attorney General charging a state or political subdivision with denying or abridging the right to vote on account of race or color, determined during the course of the suit that examiners were needed or delivered a final judgement finding voting discrimination. (2) The Attorney General certifies to the Commission that he has received complaints from 20 or more residents of a political subdivision of a state (such as a county or voting district) that they had been denied the right to vote on account of race or color, or that he has determined that general discrimination existed. Examiners would be appointed in these cases only if the political subdivision qualified statistically as one practicing massive discrimination under the triggering formula provided in the bill. (3) The Director of the Census, in a survey conducted at the request of the Attorney General, determined that less than 25 percent of the voting age population of the Negro race or of any other race or color, was registered to vote.

B. Made any state or subdivision subject to the appointment of federal examiners if a literacy test was used as a qualification for voting on Nov. 1, 1964, and (1) the Director of the Census had determined that less than 50 percent of the persons of voting age residing in the area were registered to vote on that date or actually voted in the 1964 Presidential Election, and also (2) more than 20 percent of the persons of voting age, according to the 1960 Census, were non-white.

C. Eliminated state poll taxes as a requirement for registering or voting in state and local elections. (The 24th Amendment abolished poll taxes as a requirement for registering or voting in federal elections.)

D. Provided for suspension of literacy tests and similar devices in all elections—federal, state and local (including primaries and special elections) upon appointment of federal examiners. The Civil Service Commission, in consultation with the Attorney General, then would be authorized to determine which aspects of state voting laws were non-discriminatory and could remain in force. The Civil Service Commission would also promulgate regulations regarding the times and places for voting and the contents of the application form.

E. Required an applicant appearing before an examiner to submit allegations that he had been denied the right to vote on account of race or color and also stipulated that the Attorney General might require such an applicant to further allege that a state official had denied him the right to register or vote within a 90 day period preceding his application. When an examiner determined that an applicant was qualified to vote, he would place the applicant's name on a list of eligible voters. Such lists would be sent to local election officials at least once a month, and the appropriate officials would be required to add the list to their voting rolls.

F. Authorized federal examiners, upon determining that properly registered voters had been turned away from the polls, to go into a U. S. district court and get an order impounding the ballots until persons entitled to vote had been allowed to do so. The court would be required to give expeditious treatment to such cases.

G. Stipulated that the federal registration apparatus, where invoked, would remain in force until the Attorney General notified the Civil Service Commission that all qualified voters in the area had been registered or that there was no longer reasonable cause to believe that persons would be denied the right to vote on the grounds of race or color.

H. Required that any new voting law enacted by a state or local government whose voter qualifications had been nullified by the bill be submitted to the Attorney General for his consideration before it could take effect. If the Attorney General, within a 60 day period, filed objection in a three-judge federal court in the District of Columbia, the new law could not be enforced unless or until the court had determined it was non-discriminatory. If a new law was not contested by the Attorney General or was determined non-discriminatory by the court, subsequent action could still be taken to strike down the measure if enforcement appeared to deviate from the law's intent.

I. Provided that, to free itself of the federal registration apparatus, a state or locality would have to prove in a three-judge federal district court in the District of Columbia that it had not used a literacy test to discriminate against voters for a five-year period preceding the filing of its action; or (1) that its percentage of voting age population participating in the previous presidential election had exceeded the national average (62.0 percent in 1964) or that at least 60 percent of adult residents were currently registered to vote, and (2) that there had been no discrimination against voters. Final judgements of any federal court during the preceding five years determining that the state or voting district had discriminated could be introduced by the Government as prima facie evidence against the petitioner.

J. Provided that even if a court freed a state of the charge of discrimination, the court would retain jurisdiction for a five-year period and could reopen the action upon the Attorney General's motion that the state or district had discriminated.

K. Provided that if a state or locality in which examiners had been appointed considered a federally registered applicant unqualified to vote, it could challenge that voter's qualifications before a hearing officer appointed by the Civil Service Commission. The hearing officer would be required to make a ruling on the challenge within 15 days.

L. Provided that upon the request of a state or voting district seeking to come out from under the bill or challenging the registration of a voter it considered unqualified, the Civil Service Commission would be empowered to subpoena any witness or documentary evidence pertinent to the case.

M. Provided that intimidation, vote fraud, or other interference by private citizens or public officials would carry upon conviction a maximum fine of $5,000, maximum imprisonment of five years, or both.

N. Authorized federal examiners to appoint poll watchers to observe election procedures, including tabulation of votes, in order to ensure that no discrimination took place.

(24) "Red Voting Act Plan," by Henry J. Taylor, *The St. Paul Dispatch*, April 16, 1965

(25) *Congressional Record*, March 17, 1965, pp. 5156-7 (daily)

(26) U. S. Representative William L. Dickinson (Rep., Ala.), has presented information to the House on the Selma-to-Montgomery march. His first speech is in the *Congressional Record*, March 30, 1965, pages 6113-4 of the daily edition. His second speech, together with remarks from other Representatives, is in the *Congressional Record*, April 27, 1965, pp. 8307-15. He repeated the speech later off of the House floor. Personal interviews made by my staff (with newsmen and members of the Armed Forces present during the march) corroborate sworn statements and other information presented by Representative Dickinson. Alabama law enforcement and other agencies have photographs and other documents to back up these charges. Some of the information has not been made public in order to protect the military personnel and others involved.

(27) *Saturday Review*, April 3, 1965, pp. 16-7, 57

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